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Sent: 7/21/2017 2:12:37 PM
To: Tarr, Jeremy M [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98859532088e4437968231eb6fef6b70-jmtarr1]
Subject: Final Env. Impact Statement for Atlantic Coast Pipeline Ignores Impacts, Lack of Need, Injustice
Importance: High

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NC Groups Speak Out: FERC's Final EIS Ignores Critical Impacts, Fails to Assess Whether Atlantic Coast Pipeline is Needed At All

For Immediate Release
July 21, 2017

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Raleigh, NC and Communities along proposed the ACP Route—NC advocates and potentially impacted communities are already reacting strongly to the Final Environmental Impact Statement for the Atlantic Coast Pipeline released today by the Federal Energy Regulatory Commission. Pipeline opponents say a review of the FEIS conclusions shows it to be extremely biased in favor of the corporate interests who expect to profit handsomely from building the pipeline, at the expense of the public's water, land and air, as well as landowner rights and safety. Moreover, they say the Final EIS shows almost no changes in response to extensive and detailed public comments, and still uses the same self-serving justification of "need" for the pipeline. The Commission has therefore failed to carry out its required assessment of the public need for the pipeline and the project's ability to protect public resources.

Despite statements by industry that the Final EIS is an indication that FERC will almost certainly approve the Atlantic Coast Pipeline, it's critical that the public and state agencies understand that an apparently favorable assessment does NOT make the pipeline approval a "done deal." Several major state permits with significant opposition are still pending, including the "401 Water Quality Certification" for crossings of hundreds of streams, rivers and wetlands, and an air quality permit for the planned compressor station, a major pollution source, in Northampton County.

Instead of analyzing trends in overall electric demand in NC and the Southeast--which show that demand has been flat for over a decade--FERC's reviewers only looked at the percentage of the pipeline's 1.5 billion cubic feet/day capacity that ACP claims to have already been contracted. About 80% of the pipeline's contracted capacity would be purchased by the utility affiliates of the same corporations building the ACP, to fuel their own planned gas fired power plants. That's "self-dealing," a type of corruption that should be banned by FERC, and certainly not used as a justification of need for the pipeline.

Amy Adams, NC Program Manager for Appalachian Voices, remarked, "The FERC final EIS reads as if it were written prior to any public comments on the DEIS, as none of the pertinent and substantive issues raised during the public process were included or addressed between the draft and the final. It's as if it were written months ago and simply held to be released at a scheduled time."

“FERC doesn’t act as though any part of its mission is to protect the public interest or resources.” adds Hope Taylor, Executive Director of Clean Water for North Carolina. “The Commission’s uncritical permitting of natural gas pipelines will cause preventable climate change and tie up investment that could be used for a rapid transition to renewable power and a more energy efficient economy. The massive costs of building an unnecessary pipeline are expected to be paid by utility customers, even if the pipeline is hardly used—it’s unconscionable. From the FEIS’ exaggerated projections of economic benefits, to the lack of protections for ground and surface waters, to the casual treatment of explosion hazards to nearby communities, it’s clear that the people of North Carolina will need to protect ourselves. ”

Hundreds of advocacy groups throughout the US have pointed to FERC’s 30 year record of “rubber stamping” approvals for all but two proposed pipelines. Opponents of pipeline overbuilding are calling for Congressional hearings before the confirmation of any new FERC nominees. Currently, the Commission has only one sitting member, and needs at least three to make any major decisions, including pipeline approvals. As the Commission is funded entirely by fees from project applicants, many see this as a set up for pro-pipeline bias, and therefore not an appropriate way to fund a government commission with massive regulatory responsibilities. The consulting contractor who is reviewing the ACP certification on contract with FERC also has close links to contractors who have worked directly for pipeline projects.

The ACP would cross through 8 NC counties with average income significantly below the state’s, and higher than average African American and Native American populations. The pipeline may very well be the largest regional Environmental Justice threat in recent North Carolina history.

Many NC landowners and dozens of advocacy groups are preparing detailed critiques of the FEIS and pending state permits, and considering legal options if FERC grants the ironically named “certificate of necessity and convenience” for the ACP.

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